

Jonathan Judge - December 11, 2017

<p style="text-align: right;">125</p> <p>1 upon your reflection of your duties under Texas law?</p> <p>2 A I did not make a decision not to send that</p> <p>3 particular decision to Michelle Anderson, so the</p> <p>4 question is not applicable.</p> <p>5 Q I thought you told us last time that you made</p> <p>6 the decision not to send it to her because she never</p> <p>7 asked for it?</p> <p>8 A No. The way your question was phrased, you</p> <p>9 were asking me whether I looked at the case and I said,</p> <p>10 you know what, I am declining to send this to Michelle</p> <p>11 Anderson, and that never happened. I never sat there</p> <p>12 and said you know, maybe I should send this to her,</p> <p>13 maybe I shouldn't, and then I just didn't. I did not</p> <p>14 send it to her because it did not occur to me, because</p> <p>15 she had not requested any of these materials.</p> <p>16 Q So if she didn't specifically request a</p> <p>17 specific document, you did not send it to her?</p> <p>18 A That's correct, because that's what, in my</p> <p>19 experience, competent claims handlers do.</p> <p>20 Q I'm not talking about competent claim</p> <p>21 handlers; I'm talking about you as a lawyer. You as a</p> <p>22 lawyer made the decision that even though your prior</p> <p>23 communications might be false or misleading, you were</p> <p>24 not going to send additional information to Michelle</p> <p>25 Anderson, unless she specifically asked for it? Is</p>	<p style="text-align: right;">127</p> <p>1 A Yes.</p> <p>2 Q Is there any testimony in your prior</p> <p>3 deposition -- when did you say you read it, on Friday?</p> <p>4 A Over the weekend.</p> <p>5 Q Over the weekend.</p> <p>6 So this is Monday, so you basically read</p> <p>7 it Saturday and Sunday?</p> <p>8 A Yeah.</p> <p>9 Q Is there anything in there that you would</p> <p>10 like to change? Anything that jumped out at you as an</p> <p>11 error or testimony you want to change?</p> <p>12 MR. KRYDER: Objection, form.</p> <p>13 THE WITNESS: There was one aspect that in reading</p> <p>14 through it, I realized we were not necessarily talking</p> <p>15 about the same thing.</p> <p>16 You asked at one point when we were</p> <p>17 discussing the traumatic brain injury and damages</p> <p>18 assessment, whether we had any Medical Doctor testify</p> <p>19 at trial, and I answered no and was thinking of in</p> <p>20 terms of treating physicians, neurologists, TBI, things</p> <p>21 like that. And in fact, we did have a Medical Doctor</p> <p>22 obviously testify at trial, and she did discuss the</p> <p>23 causation of the brain injury. So that is I guess one</p> <p>24 clarification I would make.</p> <p>25 That was the only substantive thing that I</p>
<p style="text-align: right;">126</p> <p>1 that your testimony?</p> <p>2 MR. KRYDER: Objection, form.</p> <p>3 THE WITNESS: Nope. Nope, that is a false</p> <p>4 statement.</p> <p>5 BY MR. McENTIRE:</p> <p>6 Q Do you think these are frivolous questions?</p> <p>7 A I really don't know how to answer that.</p> <p>8 Q Try.</p> <p>9 A I don't have any comment. Sorry.</p> <p>10 Q Directing your attention to topic matter</p> <p>11 Number 15 on Exhibit Number 1. "Whether Schiff ever</p> <p>12 advised Ironshore that Schiff would not provide</p> <p>13 information to Ironshore regarding the underlying</p> <p>14 lawsuit unless Ironshore specifically requested such</p> <p>15 information."</p> <p>16 I want to make sure that I understand</p> <p>17 Schiff Hardin's position in this case.</p> <p>18 Is it Schiff Hardin's position in this</p> <p>19 case that it would not supply Ironshore with</p> <p>20 information regarding the underlying lawsuit unless</p> <p>21 Ironshore specifically requested that information?</p> <p>22 A Yes. Well, wait a minute.</p> <p>23 Did you ask whether we advised them of</p> <p>24 that, or whether that was our position?</p> <p>25 Q Whether that's your position.</p>	<p style="text-align: right;">128</p> <p>1 missed.</p> <p>2 Q Okay. You're referring to Dr. Gwin?</p> <p>3 A Yes.</p> <p>4 Q A doctor of osteopathy with BRC?</p> <p>5 A Among other things, yes.</p> <p>6 Q And she's a biomechanic? Well, she served as</p> <p>7 a biomechanic in the case?</p> <p>8 MR. KRYDER: Objection, form.</p> <p>9 THE WITNESS: That was one of her roles, yes.</p> <p>10 BY MR. McENTIRE:</p> <p>11 Q And she never -- we understand, again, I</p> <p>12 don't want to have to go back over the trial on the</p> <p>13 same ground. She never had an opportunity to actually</p> <p>14 meet with C.H., evaluate him personally, did she?</p> <p>15 A No. That's not relevant to what she does.</p> <p>16 Q Okay. Well, I'm not asking you whether it</p> <p>17 was relevant or not, I'm just asking you whether it</p> <p>18 happened?</p> <p>19 A She does not do that. That's right.</p> <p>20 Q She doesn't do that. So whatever testimony</p> <p>21 she provided was without the benefit of actually having</p> <p>22 the opportunity to evaluate him?</p> <p>23 She's not a neurologist, she's not a</p> <p>24 psychotherapist, she's not a psychiatrist, correct?</p> <p>25 A Well, that's a multi-part question.</p>

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1 STATE OF ILLINOIS)
) SS.

2 COUNTY OF DU PAGE)

3 I, GLORIA APOSTOLOS SIOLIDIS, C.S.R., in
4 and for the State of Illinois do hereby certify that
5 JONATHAN JUDGE was first duly sworn by me to testify
6 the truth; that the above deposition was recorded in
7 shorthand and reduced to typewriting by me; that the
8 deposition is a true, correct and complete transcript
9 of the entire testimony given by the said witness at
10 the time and place hereinabove set forth, and that
11 signature is hereby reserved by said witness.

12 I further certify that I am not counsel for, nor
13 in any way related to any of the parties to this suit,
14 nor am I in any way interested in the outcome thereof.

15 In witness hereof, I have hereunto set my hand and
16 affixed my Notarial Seal this 12th day of December,
17 A.D., 2017.

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20 GLORIA APOSTOLOS SIOLIDIS

21 CSR License #084-0001205
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